United Nations A/C.1/65/L.44

General Assembly

Distr.: Limited
15 October 2010

Original: English

Sixty-fifth session
First Committee
Agenda item 101
Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

India, Latvia, Senegal and Sweden: draft resolution

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolution 64/67 of 2 December 2009,

Recalling with satisfaction the adoption and the entry into force of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,[1] and its amended article 1,[2] and the Protocol on Non-Detectable Fragments (Protocol I),[1] the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II)[1] and its amended version,[3] the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III),[1] the Protocol on Blinding Laser Weapons (Protocol IV)[4] and the Protocol on Explosive Remnants of War (Protocol V),[5]

Welcoming the results of the Third Review Conference of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, held from 7 to 17 November 2006 in Geneva,

Welcoming also the results of the 2009 Meeting of the High Contracting Parties to the Convention, held on 12 and 13 November 2009 in Geneva,

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[1] United Nations, *Treaty Series*, vol. 1342, No. 22495.
[2] Ibid., vol. 2260, No. 22495.
[3] Ibid., vol. 2048, No. 22495.
[4] Ibid., vol. 2024, No. 22495.
[5] Ibid., vol. 2399, No. 22495.

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Welcoming further the results of the Eleventh Annual Conference of the High Contracting Parties to Amended Protocol II, held on 11 November 2009 in Geneva,

Welcoming the results of the Third Conference of the High Contracting Parties to Protocol V, held on 9 and 10 November 2009 in Geneva,

Recalling the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols thereto, and welcoming the particular efforts of various international, non-governmental and other organizations in raising awareness of the humanitarian consequences of explosive remnants of war,

1. *Calls upon* all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects[1] and the Protocols thereto, as amended, with a view to achieving the widest possible adherence to these instruments at an early date, and so as to ultimately achieve their universality;

2. *Calls upon* all States parties to the Convention that have not yet done so to express their consent to be bound by the Protocols to the Convention and the amendment extending the scope of the Convention and the Protocols thereto to include armed conflicts of a non-international character;

3. *Emphasizes* the importance of the universalization of the Protocol on Explosive Remnants of War (Protocol V);[5]

4. *Welcomes* the additional ratifications and acceptances of or accessions to the Convention, as well as the consents to be bound by the Protocols thereto;

5. *Also welcomes* the adoption by the Third Review Conference of the High Contracting Parties to the Convention of a Plan of Action to promote universality of the Convention and its annexed Protocols,[6] and expresses appreciation for the continued efforts of the Secretary-General, as depositary of the Convention and its annexed Protocols, the Chair of the Meeting of the High Contracting Parties to the Convention, the President of the Third Conference of the High Contracting Parties to Protocol V and the President of the Eleventh Annual Conference of the High Contracting Parties to Amended Protocol II, on behalf of the High Contracting Parties, to achieve the goal of universality;

6. *Recalls* the decision by the Third Review Conference to establish a Sponsorship Programme within the framework of the Convention,[7] and, with recognition of the value and importance of the programme, encourages States to contribute to the Sponsorship Programme;

7. *Welcomes* the decision by the 2009 Meeting of the High Contracting Parties to the Convention that the Fourth Review Conference of the High Contracting Parties to the Convention will take place in 2011, and that the Chair-designate of the 2010 Meeting of the High Contracting Parties should undertake consultations during the intersessional period on the preparation of the Fourth Review Conference;

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[6] See CCW/CONF.III/11 (Part II), annex III.

[7] Ibid., annex IV.

8. *Takes note* of the decision by the 2009 Meeting of High Contracting Parties to the Convention on an Implementation Support Unit and the Geneva Branch of the Office for Disarmament Affairs;

9. *Welcomes* the commitment by States parties to continue to address the humanitarian problems caused by certain specific types of munitions in all their aspects, including cluster munitions, with a view to minimizing the humanitarian impact of these munitions;

10. *Expresses support* for the work conducted in 2010 by the Group of Governmental Experts of the High Contracting Parties to the Convention to continue its negotiations to address urgently the humanitarian impact of cluster munitions, while striking a balance between military and humanitarian considerations, in accordance with the mandate given to it by the Meeting of the High Contracting Parties, in November 2008;[8]

11. *Welcomes* the commitment of States parties to the Protocol on Explosive Remnants of War (Protocol V) to the effective and efficient implementation of the Protocol and the implementation of the decisions of the First and Second Conferences of the High Contracting Parties to the Protocol establishing a comprehensive framework for the exchange of information and cooperation,[9] and also welcomes the holding of the third Meeting of Experts of the High Contracting Parties to the Protocol, from 21 to 23 April 2010 in Geneva, as a mechanism for consultation and cooperation among the States parties;

12. *Notes* the decision of the Tenth Annual Conference of the High Contracting Parties to Amended Protocol II to establish an informal open-ended Group of Experts,[10] and welcomes the holding of the second session of the Group of Experts of the High Contracting Parties to Amended Protocol II, on 19 and 20 April 2010 in Geneva, to exchange national practices and experiences and to assess the implementation of the Protocol;

13. *Also notes* that, in conformity with article 8 of the Convention, conferences may be convened to examine amendments to the Convention or to any of the Protocols thereto, to examine additional protocols concerning other categories of conventional weapons not covered by existing Protocols or to review the scope and application of the Convention and the Protocols thereto and to examine any proposed amendments or additional protocols;

14. *Requests* the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the Fourth Conference of the High Contracting Parties to Protocol V, to be held on 22 and 23 November 2010, for the Twelfth Annual Conference of the High Contracting Parties to Amended Protocol II, to be held on 24 November 2010, and for the Meeting of the High Contracting Parties to the Convention, to be held on 25 and 26 November 2010, as well as for any continuation of work after the meetings;

15. *Also requests* the Secretary-General, in his capacity as depositary of the Convention and the Protocols thereto, to continue to inform the General Assembly

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[8] See CCW/MSP/2008/4, para. 34.

[9] See CCW/P.V/CONF/2007/1 and Corr.1 and 2, and CCW/P.V/CONF/2008/12.

[10] See CCW/AP.II/CONF.10/2, para. 23.

periodically, by electronic means, of ratifications and acceptances of and accessions to the Convention, its amended article 1[2] and the Protocols thereto;

16. *Decides* to include in the provisional agenda of its sixty-sixth session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".